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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,596	01/30/2001	Mark R. Bennett	END9-2000-0188US1	2376

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EXAMINER

SMITH, JEFFREY A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,596

Applicant(s)

BENNETT ET AL.

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/19/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14,16-23 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14,16-23 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed January 24, 2005 has been entered and considered. By this amendment:

claims 1, 2, 4-12, 14, 16-23, 25-31 are pending;
claims 1, 11, 18, and 26 are currently amended; and
claims 3, 13, 15, and 24 are cancelled.

An action on the merits follows.

Specification

The amendment filed August 19, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the characterization of "data content" is considered new matter as such characterization did not form part of the originally filed specification. The originally filed disclosure did not establish any distinction between "data format", as presented, and "data content"--especially to the extent that the translation of data format does not include the translation of "data content".

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Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35

U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 4-12, 14, 16-23, 25-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The recasting of the claims to include separate and distinct steps of data content translation and data format translation was not described in the originally filed disclosure in such a way as to convey to one of ordinary skill in the art that the step of data format translation, as originally disclosed, did not include the translation of data content.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-10, 18-23, and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamlin (U.S. Patent No. 6,310,888 B1).

Hamlin discloses a system and program product for exchanging information between at least two trading partners.

The system comprises a translation system for translating a transaction element sent from a first trading partner intended for a second trading partner specified by the first trading partner. The transaction element is translated from a first partner proprietary schema to a universal schema and from the universal schema to a second partner proprietary schema. Translation of the element comprises translating data content

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(col. 7, lines 1-33), a data format and an application format of the element (col. 1, lines 5-14; col. 2, line 59-col. 3, line 4).

The system further comprises a routing system (col. 3, lines 61-64) and a transaction management system for tracking the status of the transaction element ("receipt verification": col. 3, lines 5-15).

A mapping system includes a system for determining: a source of the transaction element, and application to which the transaction is regarding, and a recipient to which the transaction should be routed. See col. 4, lines 35-47.

A management system (104) is disclosed which controls data management, security, administration, and provides a partner directory.

Regarding designations related to the automotive industry and related partners: The Examiner notes that the mere designation of the system, partners, and data as being "automotive" in nature carries no structural implication and accordingly such designations do not move to otherwise structurally distinguish the instant invention from the structure of the system disclosed by Hamlin. These mere designations do not impact either the structure or operation of the Hamlin system.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin (U.S. Patent No. 6,310,888 B1) in view of "EDI-the grand daddy of electronic commerce", BT Technol J, Vol. 17, No. 3, July 1999, pp. 17-23 (hereafter "EDI").

Hamlin does not disclose a method for exchanging automotive information. Hamlin, rather, discloses, more generically, a method for exchanging information between processing systems such as an inventory management system, a financial processing system, a shipping control system, point of sale equipment, bar code scanning systems, or a warehouse management system.

EDI teaches that process driven industries such as retail distribution, automotive manufacture, and international logistics are sub areas of "supply chain driven trading".

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It would have been obvious to one of ordinary skill in the art to have provided a method for exchanging automotive information between at least two automotive industry trading partners (similar to supply chain driven trading between partners in the automotive manufacturing area taught by EDI) as a more specific application of the generic method of exchanging information between processing systems such as the inventory management system, the financial processing system, the shipping control system, the point of sale equipment, the bar code scanning systems, or the warehouse management system already taught by Hamlin (col. 5, 55-67).

Response to Arguments

Applicant's arguments filed August 19, 2005 have been fully considered but they are not persuasive.

Applicant remarks directed to "data content" have been addressed above.

Applicant's remarks that Hamlin does not disclose "routing the transaction element from the first trading partner to the second trading partner in a communication protocol of the second trading partner" are not persuasive.

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The Examiner notes that Applicant's remarks regarding "different communication protocols" is not commensurate with the recitation of the claims which merely sets forth that a communication protocol is associated with the second trading partner. This could be the same or a different communication protocol of the first trading partner, or that of other trading partners, or combinations thereof.

Applicant's remarks that "in Hamlin, the destinations...are not specified by the source, but is determined by the system" are not persuasive.

The Examiner notes that Hamlin discloses that destinations are specified by the source. A user configures destinations that are to be associated with certain data types. Associations between destinations and data types are set up by a user (col. 5, lines 38-46). Accordingly, a data type of a source trading partner specifies the destination. The system makes its "determination" only based upon the associations set by configuration set up by the user.

In response to applicant's arguments against the EDI reference individually, one cannot show nonobviousness by attacking references individually where the rejections are based

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on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

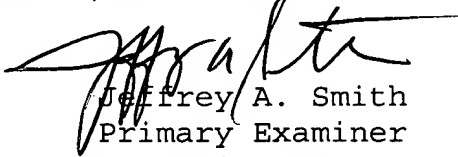
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey A. Smith
Primary Examiner
Art Unit 3625

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